

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NORMAN CADMUS,	:	
	:	1:12-cv-2335
Petitioner,	:	
	:	Hon. John E. Jones III
v.	:	
	:	Hon. Martin C. Carlson
COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
	:	
Respondent.	:	

ORDER

July 11, 2013

1. The Report and Recommendation (Doc. 14) of Chief Magistrate Judge Martin C. Carlson is **ADOPTED** in its entirety.¹
2. Respondent's Motion to Dismiss (Doc. 12) is **GRANTED** and the Petition for Writ of Habeas Corpus (Doc. 1) is **DISMISSED** without prejudice to Petitioner requesting leave from the Court of Appeals for the Third Circuit to pursue a second and successive federal habeas petition.²

¹ No objections were filed the Magistrate Judge's Report and Recommendation.

² Because this is the Petitioner's second federal habeas petition, it is clear that his pathway to relief does not lie with this Court in the first instance. Rather, "[t]he Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"), Pub. L. No. 104-132, 110 Stat. 1214 (1996), places the federal courts of appeals in the role of 'gate-keeper,' charging them with the

3. The Clerk of Court shall **CLOSE** the file on this case.

s/ John E. Jones III

John E. Jones III

United States District Judge

responsibility of ‘preventing the repeated filings of habeas petitions that attack the prisoner’s underlying conviction [or sentence].’ *Leal Garcia v. Quarterman*, 573 F. 3d 214, 220 (5th Cir. 2009); *Blystone v. Horn*, 664 F. 3d 397, 311 (3d Cir. 2011).